These steps would offer much-needed relief to the poultry farmers at a time when there are serious drought conditions prevailing in the State of Andhra Pradesh. This will also result in providing employment to lakhs of rural people. Unemployment is an area of major concern for the State, reeling under drought conditions. Thank you, Madam.

Demand for Broadcasting of Local News by Doordarshan, Bhubaneswar

MS. PRAMILA BOHIDAR (Orissa) : Hon. Deputy Chairperson, I would like to bring to the notice of this august House that Doordarshan, Bhubaneswar, is not broadcasting the local news, events and incidents and other regional news (Oriya Samachar) of my area, Sambalpur. This is resulting in avoidable tension, and discontent is brewing among the local populace of my area.

The Doordarshan Kendra, Bhubaneswar, has all along been ignoring my area, in that they have not even been broadcasting some of the programmes prepared by the Doordarshan Kendra of Sambalpur.

There is also a long-pending demand of my people for daily broadcast of a special bulletin by Doordarshan Kendra, Sambalpur. DD, Sambalpur is prepared to help in the matter, but they do not have sufficient infrastructure facilities for the purpose. So, I would request the Centre to take steps to upgrade DD, Sambalpur, to enable them to meet the above long-pending demand of our people.

SHRI BIRABHADRA SINGH (Orissa) : Madam, I associate myself with the Special Mention made by Ms. Pramila Bohidar.

SHRI SURENDRA LATH (Orissa) : Madam, I associate myself with the Special Mention made by Ms. Pramila Bohidar.

THE BIOLOGICAL DIVERSITY BILL, 2002 - (Contd.)

THE DEPUTY CHAIRMAN: Further discussion on the Bio-diversity Bill, 2002. Shri Sangha Priya Gautam. आप बायोडायवर्सिटी के बारे में भी जानकारी रखते हैं।

श्री संघ प्रिय गौतम (उत्तरांचल): महोदया, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूं लेकिन मेरे कुछ शिकवे और शिकायतें भी हैं । भारतवर्ष की जैव सम्पदा विश्व मे सबसे ज्यादा और बहुत पुरानी है और इसका भौगोलिक कारण है । भारतवर्ष तीन तरफ समुद्र से और एक तरफ पहाड़ से घिरा हुआ होने के कारण यहां पर लोगों का अतिक्रमण नहीं हुआ ।

उसकी वजह से यहां पर जीव जंतु, वनस्पति, ये सारी चीजे और यहां की सभ्यता सुरक्षित रही । अगर कहीं अतिक्रमण हो जाता तो शायद ये उस समय नष्ट हो सकती थीं । इसके अलावा एक दूसरा भौगोलिक कारण यह है कि यह बड़ा विचित्र देश है । यहां पहाड़ भी हैं, पठार भी हैं, मैदान भी है, रेगिस्तान भी है । यहां जाड़ा भी पड़ता है, गरमी भी बहुत पड़ती है और बरसात भी होती है । इसलिए यह जो भौगोलिक परिस्थितियां हैं, इन्होंने तरह तरह की जैविक सम्पदाओ को इस देश मे जन्म दिया है । इस देश मे बड़े-बड़े दिमाग भी रहे हैं जिन्होंने उनका दोहन भी किया है । अगर कही अतिक्रमण हो जाता तो उनका दमन हो सकता था । उस दोहन के कारण बड़ी-बड़ी औषधियां और बड़ी-बड़ी जैव सम्पदाओ से जीवनोपयोगी, स्वास्थ्य उपयोगी और मानव के काम मे आने वाली चीजों का निर्माण हुआ है । हमारे देश मे बड़े-बड़े हकीम और वैद्य हुए हैं जिनका नाम इन्ही जैव सम्पदाओं के कारण दुनिया में हुआ । दिल्ली में भी आज अजमल खान हकीम साहब का नाम हम सब जानते हैं । डाबर के जो हकीम हैं, वह भी मशहूर हकीम थे । इसके अतिरिक्त बहुत से हकीम थे जिन्होंने इन्ही जैव सम्पदाओं से औषधियों का निर्माण किया । गांव मे, देहात मे, दूर-दराज मे ऐसे हकीम थे जो कभी किसी विद्यालय में नहीं पढ़े, लेकिन उन्ही जैव सम्पदाओ से और अपने अनुभव और ज्ञान के आधार पर सारे देश मे विख्यात हुए । महोदया, मेरे गांव मे, एक मामूली से गांव के आदमी थे जो मवेशी चराया करते थे । जंगल मे एक दिन उन्होने सांप और नेवले की लड़ाई देखी । सांप और नेवला दोनो बड़े खूंखार थे। अंत मे नेवले ने सांप को मार दिया । उसके बाद नेवला भागा-भागा रजवाड़े की नाली पर, गूल पर गया और उसने जाकर एक घास को, एक वनस्पति को खाया और उसका जहर खत्म हो गया । वह चरवाहा गया और उसने जाकर यह सब देखा । वही घास जो वहां पर उगी थी, वही घास सांप के काटने की ऐसी दवा साबित हुई कि अगर तुरंत वह लग जाए तो कितना ही जहरीला सांप हो, उसके द्वारा काटा हुआ मरता नही है । महोदया, इसकी सुरक्षा, इसका सही उपयोग और इसका लाभ सबको पहुंचे, यह तो बहुत अच्छा है । दूसरे सदस्य भी बोलने वाले हैं, इसलिए मैं कम समय ले रहा हूं पर मंत्री जी, मुझे कुछ शक और शिकायत है । आपका जो स्टेटमेंट ऑफ ऑब्जेक्ट्स है, उसमे आपने कहा है-

> "India is a party to the Convention on Biological Diversity (1992). The main objectives of the Convention are: Conservation of biological diversity; Sustainable use of its components; Fair and equitable sharing of benefits arising out of utilisation of genetic resources."

महोदया, एक बात कहकर मैं अपनी बात समाप्त करूंगा । संसद के एक सदस्य रहे थे स्वामी ब्रह्मानन्द जी, आर्यसमाजी थे । एक दिन उन्होंने भाषण दिया कि बहुत अच्छा चावल, बहुत अच्छा दूध, बढ़िया वाली चीनी, सारे मेवे डालो और ताज़ा दूध गाय का लाओ और खीर पकाओ तो कैसी खीर ? कहेंगे - बहुत अच्छी खीर लेकिन अगर उसके ऊपर थोड़ी सी गंदगी डाल दो तो फिर कैसी खीर ? तो बेकार खीर, कोई नहीं खाएगा। अंत में मंत्री जी ने यह कह कर "एम्स एंड ऑब्जेक्ट्स" मे छठे पैरा मे कहा है -

> "The proposed legislation primarily addresses the issue concerning access to genetic resources and associated knowledge by foreign individuals...."

What is meant by "foreign individuals"?

"....institutions or companies, and equitable sharing of benefits arising out of the use of these resources and knowledge to the country and the people."

उपसभापति : कौन से पेज पर पढ़ रहे हैं ?

श्री संघ प्रिय गौतम : छठा पेज, "एम्स एंड ऑब्जेक्ट्स" । इसका सीधा अर्थ है इतने दिनो से आपको याद नही आई कि इस देश की इतनी बड़ी यह संपदा है, इसका इतना उपयोग है, तो हम इसको प्रिज़र्व भी करें, इसका फायदा भी लोगों को पहुंचे । अगर कॉमर्शियल बेसिस पर भी करे तो हम, इस देश के लोग ही इसका इस्तेमाल करे और ज्यादा से ज्यादा हम इससे संपत्ति कमाएं । इसके अलावा जो देहातों मे लोग रहते हैं, जहां ये संपत्तियां हैं, उनको इसका लाभ पहुंचे, यह चीज़ पहले से ही होनी चाहिए थी । आप सुओ-मोटो अपने विवेक से कोई काम नही करते । आप जितने काम कर रहे हैं आज, ये तमाम ग्लोबल फिनोमिना जो दुनिया के अंदर बना है, उसके आधार पर, उसके कारण करते हैं । ये मैंने आपके "एम्स एंड ऑब्जेक्ट्स" मे से बताया ।

महोदया, एक बात मुझे इसके बारे में केवल यह कहनी है कि आपने सेंट्रल बॉडी भी बनाई और स्टेट बॉडी भी बनाई लेकिन मैनेजमेंट कमेटी आपने लोकल बनाई है । इसमें लोकल आदमी, वैद्य और हकीम... जो आपकी सेंट्रल और स्टेट की कमेटी है, जहां ये सम्पदा है, जिन क्षेत्रो मे है, उसके लोगों का कोई हिस्सा, उनकी कोई साझेदारी, उनका कोई प्रतिनिधित्व अगर इनमे नहीं है तो कल ठीक ही कहा था उन्होंने कि आई.ए.एस. और पी.सी.एस. अफसर जो आप इन कमेटियों में बैठा देंगे तो "जाके पैर न फटी बिवाई, सो का जाने पीर पराई?" जो गांव में कभी गए ही नही, खरीफ की फसल क्या होती है, रबी की फसल क्या होती है, यह नहीं जानते, वे क्या जानेंगे गांव की इन सम्पदाओ को ? जो नालियों मे होती हैं, पहाड़ पर चले जाइए, उत्तरांचल जहां का मैं प्रतिनिधित्व कर रहा हूं, वहां ऐसी-ऐसी जड़ी-बूटियां होती हैं कि ये उन्हें क्या जानेंगे ? उन्हें जानेंगे तो वहां के आदिवासी लोग या उस क्षेत्र के लोग जो वहां रहते हैं, उन्हे रोज़ देखते हैं और उन्हे ही इस्तेमाल करते हैं । इसलिए मैं बड़े अदब के साथ इसका समर्थन तो कर रहा हूं लेकिन मंत्री जी, मैं आपसे प्रार्थना कर रहा हूं कि वास्तव मे इसका लाभ उन लोगो को पहुंचना चाहिए जिस क्षेत्र मे यह सम्पदा है और उनकी भागीदारी इसमे होनी चाहिए । और जितने हकीम और वैद्य हमारे देश मे हैं, उनको बढ़ावा देना चाहिए, उनको प्रोत्साहित करना चाहिए, उनका मान-सम्मान करना चाहिए । बड़े-बड़े जग धन्वन्त और लुकमान हकीम यहां हो सकते हैं तो हमारी जो बौद्धिक सम्पदा है, इसके आधार पर हम अपने देश का नाम दुनिया मे रोशन कर सकते हैं । इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं ।

उपसभापति : गौतम जी, इस छठे पैरा की हिस्ट्री शायद आपको मालूम नही है । जब बायो डाइवर्सिटी और इंटेलेक्चुअल प्रॉपर्टी राइट्स बिल नहीं थे तो बहुत से फॉरेन के जो लोग थे, वे हिंदुस्तान की जड़ी-बूटियां बाहर ले गए थे । और उसको उन्होंने अपने नाम से पेटेन्ट करा लिया। जो हमारा चावल है, ...**(व्यवधान)**...

श्री संघ प्रिय गौतम : बासमती चावल ।

उपसभापति : नहीं बासमती नहीं, जो हमारा जंगली चावल है, जो जर्म प्लाज्म है उसका, उसको ले जाकर उन्होंने अमेरिका में पेटेन्ट करा लिया। उसके प्रोटेक्शन के लिए है। इस बिल से प्रोटेक्शन हो जाएगा इस स्पिसेज का, यही बात आपने कही है। ठीक है, हमारे यहां बहुत रिसर्च किया है मगर वे हल्दी तक को ले जाकर रिसर्च कर रहे हैं, नीम का भी कर रहे हैं। उसके प्रोटेक्शन के लिए...**(व्यवधान)**...

श्री संघ प्रिय गौतम : तो वह भी करे और हमारे यहां भी प्रोटेक्ट करे।

उपसभापति : नहीं, यहां तो है ही प्रोटेक्ट, इन्हीं के इन्टरेस्ट को प्रोटेक्ट करने के लिए है।

SHRI K. RAMA MOHANA RAO (Andhra Pradesh): Thank you, Madam, for allowing me to speak on this very complex, complicated and crucial Bill, which seeks to protect our nation's biological interests. There are three basic goals of the Convention on Biodiversity. The first one is conservation. The second one is sustainable use of biological diversity. And, the third one is, fair and equitable sharing of the benefits, arising out of the utilisation of genetic resources. And, under Article 6 of this Convention, we are required to pass this legislation, which is before the House, since we are a signatory to the Convention. This Bill is one of a series of Bills -- the Patents (Second Amendment) Bill, the Protection of Plant Varieties and Farmers' Rights Bill, the Geographic Indications of Goods (Registration and Protection) Bill, etc. -- that this august House has approved. Unless you have a proper linkage and synergy between the above Bills and this Bill, we can achieve very little through this Bill. At the same time, the provisions of this Bill should also be harmonised with the licensing procedures for industries using biological resources, such as those falling under the provisions of the Drug and Cosmetics Act and other related Acts.

Madam, as the House may be aware, India has one of the richest biodiversity in the world. It is recorded that out of 81,000 species of fauna and 47,000 species of flora, 15,000 species are unique to India. The Indian Sub-Continent contains about 25,000 species of vascular plants, of which, 7,500 are used by foreign and other traditional systems of medicine. This clearly shows that our Sub-Continent, particularly India, occupies a unique position in the world and is capable of cultivating most of the medicinal plants used in the modern as well as traditional systems of medicine. The medicinal properties of some of the Indian herbs such as turmeric, neem, etc., are most sought after by the multinational companies. For example, 25% of the drugs in the US are said to have active ingredients from Indian

plants. So, biodiversity is the most important, common, source on earth. But, now, in India, more than 1,500 species of flora and fauna are in the endangered category. We have to take measures to protect them.

While supporting the Bill, I have some reservations on some of the provisions of the Bill, and would like to give some suggestions for the kind and positive consideration of the hon. Minister, Shri T.R. Baalu, because unless you have a strong system, it would endanger our life-supporting system, the livelihood of millions of people and the very existence of mankind.

Madam, I start with the Preamble of the Bill. The Preamble provides for conservation of biological diversity, sustainable use of its components and equitable sharing of the benefits. Here, I would like to suggest the incorporation of the following sentence in the Preamble, namely, "And whereas, it is essential to ensure that no external monopoly rights are created on biological diversity." With its incorporation, it will be crystal clear from the Preamble itself that nobody would be given exclusive monopoly rights on biodiversity.

Clause 2 of the Bill deals with Definitions. Madam, biological resources, as we know, are in the public domain. But, I am surprised to find that there is no definition of 'local people' or 'local community' or 'indigenous people.' It is, I think, because in no legislation the words 'local people' or 'local community' or 'indigenous community' have been defined. So, you have also omitted that. This legislation is totally different from others because biological resources are directly under public domain. Therefore, we have to have a clear-cut definition of 'local people' and 'local community.' If there are no definitions for these words in other legislations, it does not mean that there should not be any definition here as well. So, let us make a beginning and let us define who are the 'local people' and which are the 'local communities.'

Clause 6(1) deals with application for Intellectual Property Rights. It lays down that every person applying for any IPR has to do so with the prior approval of the National Biodiversity Authority. But when it comes to patents, the permission of the NBA needs to be obtained after the acceptance of the patent. Here, it appears that there is no justification for treating applications for patents differently from other Intellectual Property Rights. In my opinion, this would only leave this legislation without any teeth. So, it should be made mandatory for the applicant to obtain prior

approval from the NBA before making such application to any patent authority. I also suggest that in line 36, on page 3, of the Bill, after the word "invention", the word "process" may be added to give more emphasis and appropriate meaning to the clause.

Coming to clause 8 of the Bill, Madam, I would like to submit that the composition of the Board, according to the Bill, consists of Chairman, 8 Ex-officio Members and 5 Non-official Members. Here, you are dealing with a legislation which is totally scientific and technical in nature and you are filling the Board with bureaucrats! I fail to understand the rationale behind this. Why does the Government want to have bureaucrats on the Board? This kind of an arrangement will totally defeat the purpose for which the NBA is constituted. This arrangement virtually gives a veto power to the bureaucrats, which is not proper, because they are not technical people. And, moreover, you have totally excluded the local communities from this provision. This is a clear violation of Article 8(j) of the Convention on Biological Diversity which places an obligation on signatories to include local and indigenous communities in their endeavour to protect their biodiversity. Same is the case with the State Biodiversity Boards under clause 22(4). Hence, the authority should be a high-tech body consisting of personalities familiar with environmental problems, biodiversity, law and other problems relating to local communities and indigenous people. Hence, I strongly recommend the inclusion of representatives from local communities. I also suggest the inclusion of the Director, Zoological Survey of India and the Director, Botanical Survey of India as Ex-officio Members on the Board. In view of this, I request the hon. Minister to ponder over the issue seriously and bring changes in the clause accordingly.

Madam, clause 8 (3) deals with headquarters of the National Biodiversity Authority at Chennai. The Headquarters should be located in a region or a State which is rich in biodiversity and the State which is showing keen interest in biodiversity and other related issues. I request the hon. Minister to change it to a State where there are rich biological resources.

Constitution of the Committees of the NBA is dealt with under clause 13 of the Bill. Under this, you have constituted only one Committee to deal with agro-biodiversity. I agree that many requests are going to come before the NBA and the SBAs pertaining to agro-biodiversity. But, how can you omit other components of biodiversity, such as forest biodiversity, marine biodiversity, coastal biodiversity, microbial biodiversity, freshwater biodiversity, aquatic biodiversity, etc. Hence, I suggest the

constitution of Committees, on the same lines prescribed under clause 13, for the above biodiversities to deal with the issues pertaining to them effectively and efficiently, and to give more teeth to this legislation. Then, the Bill envisages establishment of three types of funds. The first one is the National Biodiversity Fund, under clause 26. The second one is the State Biodiversity Fund, under clause 31 and the third one is the Local Biodiversity Fund, under clause 43. I failed to understand as to what is the need for having such a multiplicity of biodiversity funds at different levels. This kind of an arrangement will lead to utter confusion in the future. Hence, I request the hon. Minister to look into this point meticulously because the whole thing is controlled, in terms of clause 29 of the Bill, by the bureaucratic apparatus.

Madam, these are some of the clauses on which I thought that I should present my views before this House, and I sincerely hope that the hon. Minister will reply to the queries raised by me and accept the suggestions, which are necessary for conservation of our biological resources, and which will help the local people and the local communities since biological resources are directly in their domain.

With these words, I once again support the Bill and expect a positive reply from the hon. Minister.

SHRI S. RAMACHANDRAN PILLAI (Kerala): Madam, I rise to support the Bill. This is an important piece of legislation that covers great national and global concerns. The minister has explained the objectives of the Bill. The minister has explained seven objectives of the Bill. I am in full agreement with the objectives of the Bill. Having said that, I wish to add that the provisions of the Bill are inadequately equipped to attain these objectives. There are two important factors which led to bringing this Bill. One is the national needs and second is the international obligations. The national needs arise from three factors. Firstly, the pressure of the increasing population on the biological resources is threatening the very existence of the biological resources. This is one factor. The second factor is the injudicious utilisation of the resources and the injudicious development policies. The third factor is the threat of biopiracy. As for the international obligations, of course, the Convention on Biodiversity that seeks the intervention of the contracting parties to legislate on three important areas, as already explained by my friend. So, the Government should come forward to conserve our wholesome biological resources. The Government should also take steps to ensure the sustainable use of these resources and

also see that the benefits of the biological resources are equitably shared.

My main objection with regard to the provisions of this Bill is that the Bill is addressing only one aspect of the objectives, i.e., the commercial aspect of the objectives. While I do not deny the importance of the commercial aspect of the objectives, I would say the Bill ignores all other important aspects.

My objections are five-fold. My main objection is, the Bill is not adequately equipped to provide for conservation, promotion and sustainable use of biological diversity. I do agree that clauses 36 to 39 deal with this particular aspect. But it has only been touched. It only expresses some pious wishes. This agreement was signed in the year 1992 and we have come forward with this Bill after 11 years. So the urgency, the importance and the need for intervention are not at all reflected in clauses 36 to 39 of the present Bill. Many factors are involved in it. Many agencies, the Central Government, the States and the local communities are involved in it. There is no mention of these factors.

My second objection is, the present provisions are inadequate to protect biopiracy. There are two deficiencies in this Bill. One of the significant features of this Bill is that it is introducing and strengthening the private property rights of inventors. They should get the consent of the National Biodiversity Authority for applying for Intellectual Property Rights. The Authority can oppose it or the Authority can give its consent. But the Bill does not give the right to local communities for the innovations made by them. This is an important aspect of biodiversity. If the rights are not given to private entities through the Intellectual Property Rights, and if it is in the public domain -- as per the present situation, they are in the public domain -- the foreigners can have access to it and we cannot stop them. We have to take care of this important aspect. How to protect the interests of the local communities, is a very important aspect. The Bill is silent on this particular aspect. My second point is in regard to the jurisdiction of the National Biodiversity Authority. It can reject the applications of foreigners. But there is no monitoring agency to see as to what is happening in other countries. There is a possibility of foreigners making use of this knowledge for their own purposes. Thirdly, the rights of the local communities are not protected adequately in three important areas. The Bill does not provide for benefit sharing rights to the local communities. As per the provisions of the Convention on Biodiversity, access to biological diversity should be on

the basis of two factors. One, on the basis of prior informed consent; and two, on the basis of mutually agreed terms of benefit-sharing. But no such right has been given to the local communities in regard to their innovations, traditions and knowledge.

THE DEPUTY CHAIRMAN: It should be put as 'indigenous knowledge'. You are right. I am just adding to it

SHRI S. RAMACHANDRAN PILLAI: I am confining myself to that particular provision.

THE DEPUTY CHAIRMAN: That is the indigenous knowledge which the people have developed.

SHRI S. RAMACHANDRAN PILLAI: The other aspect is, the local communities are not given the right to exclude any access to biological resources, innovations, practices, knowledge and technologies. There is a mention about that. The Central Government should take adequate measures to protect the traditional knowledge, but that is not sufficient to protect the whole area. Article 8(j) of the Convention on Biological Diversity recognises the link between traditional knowledge and biodiversity. But, the Bill does not provide for adequately and appropriately protecting the traditional knowledge. Clause 36(v) does not provide appropriate protection. Another important aspect has already been mentioned by my hon. colleague about the overlapping of many Acts and Bills on this. There are three other important Acts dealing with the area of operation of the present Bill. They are: the Protection of Plant Varieties of Farmers Act, 2001; the Patent Amendment Act, 2000; and, the Seed Act, 1966. There are many areas overlapping and some of the provisions of the Act explain the whole thing. If you look at the provisions of the present Bill, some of the provisions are very vague. So, there are conflicts and overlapping and it is not clarified how the Government is going to settle these issues. And, the other important criticism is that the National Biodiversity Authority and the State Biodiversity Board are comprised mainly of bureaucrats. Of course, some of them may be necessary, but all the interested sections are not represented in these two bodies. Not only that, there is also another important shortcoming. Various departments are involved there, but the Commerce Department is not involved. The Department of Commerce is an important Department which deals with intellectual property rights. This is an area and lot of matters related to intellectual property rights are being dealt by these two bodies. Though all other departments are involved, the

1.00 p.m.

Commerce Department is not involved. And, if you look at the provisions, because I do not have sufficient time to explain these provisions, clause 8 and clause 48, clause 22 and clause 49, what is given by clause 8 and clause 22 is taken away by clauses 48 and 49. The Government has given paramount power. So, the defect of these two bodies is the over-concentration of bureaucrats, and whatever rights and authorities are given, are taken away by the Central Government. So, it cannot work properly. These are some of the important deficiencies in this present Bill. Of course, I support the Bill, but the Government should consider these deficiencies and come forward with suitable amendments. Thank you, Madam.

SHRI P.G. NARAYANAN (Tamil Nadu): Madam Deputy Chairperson, the Bill aims at harnessing the unique strength of our rich and diverse eco-system. Biodiversity, the variety of life on earth, is an essential part of our daily life and livelihood. Biodiversity is essential for maintenance of the ecological balance and for sustenance of evolutionary process of life. In the past, biological resources of our country have been shared freely with other countries, treating biodiversity as a common heritage. The knowledge systems and practices of the local and indigenous communities had also been accessed freely by the outsiders in the past. The convention on Biological Diversity enjoins upon the contracting parties to facilitate access to genetic resources for environmentally sound uses by other parties on mutually agreed terms and with prior consent of the country providing these resources. The recipient country is to provide fair and equitable sharing of benefits arising out of the use of genetic resources transfer.

Madam, the Bill proposes to regulate access to biological resources of the country with the purpose of securing equitable share in the benefits arising out of the use of biological resources and knowledge related to biological resources. The Bill also seeks to respect and protect knowledge of local communities related to bio-diversity and further to secure sharing of benefits with local people as consorts of biological resources and holders of knowledge and information relating to the use of biological resources. The interest of the Indian industry has to be taken care of to the maximum extent, in addition to the existing provision of exempting the value-added products from the purview of this legislation. The highlight aspect of this Bill provides for checking bio-piracy and realise equitable sharing of benefits arising out of utilisation of our rich biological resources and associated traditional knowledge. Indiscriminate and illegal trade in plants and animals,

world over, combined with ecologically insensitive developmental projects, explosive growth in human population and resultant pressure on the natural resources are the main reasons of chronic bio-diversity in India during the last few decades. Plenty of herbal plants which can cure dreadful diseases remain unutilised in the Western Ghats, Eastern Ghats, Kolli hills, in Tamil Nadu and Kerala. Likewise, India's natural wealth, which is abundantly available, should be utilised to the maximum extent, as this would contribute to the growth of our economy. Bio-diversity is India's real wealth and its resources base determines and ensures the country's survival and growth. Therefore, conserving and protecting the natural endowment is our primary necessity. Historically, our culture and civilisation have evolved and edified around this immense natural wealth. The Arya Vaidya Sala at Kottakal in Kerala made suggestions to modify certain processes for giving sufficient protection to the Ayurveda and its practitioners, and also sought trouble-free access and availability of biological resources for activities related to people's health. For the development and maintenance of biological resources, the Government should earmark financial support from the Consolidated Fund of India. We do want herbal industry to grow and become multinationals. We are very much interested in generating global demand for our herbal products.Madam, however, this cannot be done by exploiting nature irresponsibly by exploiting people unfairly. It was found that 45 per cent of the patents were owned by Chinese, 22 per cent by Japanese, 16 per cent by Russians and not even one per cent by Indians. However, nothing is lost as yet. We can still achieve global eminence in this field provided we make local communities and individual healers, partners in our pursuit of global leadership. ..*(Interruptions)*

THE DEPUTY CHAIRMAN: Are you going to take more time?

SHRI P.G. NARAYANAN: No, only one minute.

THE DEPUTY CHAIRMAN: So, you finish it first. Then I will adjourn the House.

SHRI P.G. NARAYANAN: Environmentalists have expressed serious concern over the Biological Diversity Bill as it is inadequate to serve the interests of indigenous and local communities. This concern has to be suitably addressed. The traditional custodians of biological resources should also be properly addressed and the Bill should confer, on indigenous and local communities, the power to manage biological resources, which alone can ensure the protection of traditional knowledge of these communities and

facilitate the conservation and sustainable use of bio-diversity. Thank you, Madam.

THE DEPUTY CHAIRMAN: I have seven more speakers. So, we will take it up after lunch. The House is adjourned for lunch for one hour.

The House then adjourned for lunch at two minutes past one of the clock.

The House reassembled after lunch at five minutes past two of the clock,

THE DEPUTY CHAIRMAN in the Chair

THE DEPUTY CHAIRMAN: Yes, Prof. M. Sankaralingam.

PROF. M. SANKARALINGAM (Tamil Nadu): Madam, I rise to support the Biological Diversity Bill, 2002. The earth is full of biodiversity and genetic wealth which have been created in the laboratory of nature, ranging billions of years. The bio-diversity and the genetic wealth maintain the balance in the environment and sustain the life. This natural wealth has to be preserved. The Biological Diversity Bill, moved by our hon. Minister, empowers the Government to make rules, to create competent authority in order to monitor, protect and promote this laudable goal.

Madam, in olden days, the princes and kings discharged this duty. In Tamil Nadu, there was a convention that the rulers should stay and spend six months in the midst of forests and six months in inhabited areas. In Tamil, we have a proverb which says that a benevolent king is expected to be six months in the midst of forests to preserve the biodiversity, and six months in the capital and in the inhabited areas. The Cheran Senguttuvan of Vanchinadu, when he was in the midst of thick forests, people living in the forest came and represented to him about a woman weeping under a tall big vengai tree in the forest with tears in her eyes. The king was disturbed and ordered an enquiry. The whole story of the heroine Kannagi, who fought for justice in the court of Madurai Pandian king for her husband's murder by the hasty decision of the Pandya king came to light. The poet, Ilange Adigal, who was with him, gave a veritable literature named "Silappathikaram" in the second century'. My reference to this historical incident is only to stress the need for preservation of the forests and the duty of the Government to preserve the environment and sanctity of forests.

In our country, the environment, the soil, the water and the geographical location have contributed towards bio-diversity. The bio-wealth should be protected, preserved and used in an equitable manner for all of

us in India and the world. Developed technologies have to be used for the preservation of bio-diversity. This process has to be accelerated in correct, just and scientific manner. To achieve these objectives, this Bill is framed and presented before this august House for consideration and passing.

The Bill aims at creating national bio-diversity management machinery and committees. It speaks about their functions, rights and duties and the funds can be given to them and the manner in which the accounts can be maintained. The Wildlife Protection Act of 1972, the Forest Conservation Act of 1980, the Environment Protection Act of 1986, the Public Liability Insurance Act of 1991 serve the goals of this Biological Diversity Bill's provisions, in section-wise. About 70 per cent of the total geographical area has been surveyed so far, and we have about 46,000 plant species and about 81,000 animal species. To protect these, we have got 89 national parks, 497 wildlife sanctuaries, covering an area of 1.56 lakh square kilometres and 27 tiger reserves with an area of 37,761 square kilometres.This is what we have done to save the bio-diversity of our country. Today, more teeth have been given to the Departments in the form of the Bio-diversity Bill. Sir, clause 8 of this Bill provides power for setting up a statutory authority of bio-diversity. Clause 60 empowers the Central Government to make rules and notify them in the official gazette. Clause 61 empowers the State Governments to make rules, and clause 62 empowers the National...*(Time-be-rings)* Madam, I will finish my speech in one minute.

In this connection, I request the hon. Minister to do something. When the rules are framed, he must do something to include preservation of herbal, medicinal, plants. There should be a special programme to have a museum of herbal medicinal plants for providing sufficient encouragement. All the agricultural universities should be involved in this task. Experts are to be trained. The agricultural universities must come out with some courses on bio-diversity also. So also, the veterinary universities should come out with courses on bio-diversity, because bio-diversity includes plants and animals. The veterinary universities should be encouraged to preserve special variety animals like lion-tailed monkeys, that are available in Tamil Nadu, in a particular Hill called Kalakkad.

With these words, I support this Bill. I also request the hon. Minister to frame sufficient rules under the Bill so that the atmosphere of bio-diversity richness is kept intact and enriched.

THE DEPUTY CHAIRMAN: Actually, this should be taught in the district schools. The collection of flora and fauna should be made a job; should be made a part of the curriculum. Students in the district schools and colleges should collect the flora and fauna and maintain a record of it so that, at the grass root-level we know what is our flora and fauna. In fact, about 20 years ago, I had made this proposal to Smt. Indira Gandhi, but it was not taken up. Nobody bothered about it.

SHRI B.P. SINGHAL (Uttar Pradesh): Children, in some primary and high schools, have been doing this as a hobby.

THE DEPUTY CHAIRMAN: If it were a part of the curriculum, all the data could be preserved and we could know which region is rich in which plants and animals. I wish I spoke on this subject when the Chairman was in the Chair. I know a lot about it. It is my subject.

PROF. SAIF-UD-DIN SOZ (Jammu and Kashmir): It is a great privilege to participate in a discussion on the subject here before Madam Deputy Chairman, who herself is a scientist and who is very much interested in the whole debate. Madam, I am on a different footing. The NDA Government has committed a great blunder in delaying this Bill. I don't want to take any credit when I say this; it is no occasion to score points. But I want to share my experience with this august House. It was this humble person who, in March 1997, responded to a situation when India was already late to have a measure like this. In the Earth Summit in Rio, in 1992, I was told, in March 1997, that India was late though India was a mega bio-diversity. Then the Ministry of Environment put in a considerable effort. I had to come out of the Ministry in search of talent. It was my request to Dr. Swaminathan. I had invited him to Delhi for priliminary discussions and I had then told Dr. Swaminathan that the then Secretary to Government of India in the Ministry of Environment was a knowledgeable person, but it was a very delicate subject. Unfortunately, I was not a student of science. But it was a responsibility for a Minister. Today my case is not that if I were there where Mr. Baalu is, I would do better. But he, others, and I, we all talk for the nation, we talk for the posterity. Therefore, we must say where we have gone wrong. And in this measure, Madam, we have gone totally wrong, because when I hurriedly took this Bill in my hand, I found that it is the same draft that was available in 1997. Maybe, some punctuation has been corrected. That does not matter. But I raise a question here and now: What did the Government of India do after the Prime Minister at that time in 1997? I had taken this matter to the

Cabinet and told my colleagues, "This is a very important subject and it must receive nation's attention." Then I requested the then Prime Minister Mr. Gujral that this was a very important subject and there should be a paragraph in his Independence Day Speech on the 15th August, 1997. Here is that speech. He told the nation, "The conservation and safety of biodiversity in India is of very great importance." Perhaps there is no law that should be as comprehensive as we have decided to make. It will not become comprehensive now, although I have stood to support this Bill. I will celebrate the moment the Madam Deputy Chairperson says that the Bill has been passed. That will be written in golden letters for posterity that India adopted such a law. What did the Government do since 1997? You tell this to the nation because this is a very vital question for the nation. The then Prime Minister represented our feelings and of the whole scientific community in India, to the Press and whatever I say in this august House, there is a documentary evidence on that. The then Prime Minister, the then Government was hailed as a Government responsive to the aspirations in respect of conservation of bio-diversity. Having thanked that Government, from 1998 to this day, the NDA Government has done nothing by way of improving the draft except that this Government has caused delay. I had associated Dr. Swaminathan, Paroda and others. Initially there was some misunderstanding with the Secretary. I find IAS cadres very intelligent and very knowledgeable. But in the Ministry, I refused to go by the advice of the Secretary and others. I said, "I welcome you. We shall have discussions. You are knowledgeable people and I am a layman. But I will move out of the Ministry to see who know better." Certainly I had proved that point by constituting a Committee under Dr. Swaminathan. Finally the then Secretary, who was very knowledgeable who was very cooperative and helped a great deal, -- I must say -- admitted that this galaxy of scientists certainly know much more than the people who were there in the Ministry. After all, we have to share this knowledge and then we have to arrive at a consensus. Having done that exercise, I feel very sad today that the NDA Government caused tremendous delay to this measure. I feel sorry because we must create awareness throughout the country. India happens to be a mega-bio-diversity situation. We must tell the future generations and we must make our boys and girls in schools, colleges and universities conscious of what India is insofar as bio-diversity is concerned. Imagine, Madam, the vastness of our resources in biosphere, with 46,000 plant species and 81,000 animal species. It is a vast resource that can ensure India to be a *Sonay Ki Chidiya*, not for foreigners any more but for the sons

and daughters of this country and for posterity for all times to come. The whole question of sustainable development will rest on this measure because if bio-diversity is in danger, no sustainable development can be guaranteed in the country. Now, Madam, as I said, the NDA Government had gone wrong by keeping this Bill in cold storage. The Bill did not come before Parliament. It could not become law...*(Interruptions)*...

SHRI B.P. SINGHAL: Madam, may I just make a point?

PROF. SAIF-UD-DIN SOZ: No. I am not yielding ...*(Interruptions)*... You can do anything later on...*(Interruptions)*...

SHRI B.P. SINGHAL: The hon. Member mentioned thrice that there is a lapse on the part of the Government of India...*(Interruptions)*... The Bill was sent to the Standing Committee. If there is any delay, it is because the Bill was with the Standing Committee for a long time.

PROF. SAIF-UD-DIN-SOZ: No. If you have a sense of urgency, you could have persuaded the Committee to submit its Report early. You did not do that because you did not feel that there was any urgency...*(Interruptions)*...

प्रो.रामबख्श सिंह वर्मा (उत्तर प्रदेश): उपसभापति महोदया, ये बार-बार कहते हैं... It is not correct to say that the NDA Government has committed a blunder.

PROF. SAIF-UD-DIN-SOZ: Yes, by delaying this measure.

प्रो.रामबख्श सिंह वर्मा : मिसेज इंदिरा गांधी के ज़माने में किया गया था, तत्कालीन कांग्रेस सरकारों ने नहीं किया ।

PROF. SAIF-UD-DIN SOZ: It is on record...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I think it is much better to concentrate on the Bio-diversity Bill rather than finding fault as to who delayed it. Let us, at least, not delay this Bill in this House. There are diverse opinions. We should go ahead keeping that in view.

PROF. SAIF-UD-DIN SOZ: Madam, on the question of delay, I think, there is no difference of opinion. This disagreement is misplaced. I am telling you that in 1997, you found that you were late. This measure was there at that time. And the draft was also there. So, it was delayed. And, there is another mistake. As I said, I have the documentary evidence. I am not scoring any points by saying that this Government went wrong. It could have been any other Government. But, we have committed a

mistake, by not legislating this measure early, in regard to protection and conservation of our bio-diversity. We have delayed it.

There is another mistake. Mr. Singhal may take note of it. Last year, we passed a Bill relating to the Protection of Plant Varieties and Farmers' Rights Bill. That Bill should have come after this Bill is passed because it is a comprehensive situation. This is relating to a mega bio-diversity which includes everything. There was no hurry to get that Bill passed last year. Therefore, there was some neglect. And, I am placing it on record. As I said, initially, I am supporting this Bill and I have been eagerly waiting for this Bill to be passed. I am supporting this Bill. I feel that it will give a prestigious position to India in the comity of nations because we are one of the twelve nations, which have vast bio-diversity, and we will also become one of the twelve countries of the world which have this legislation. But, this prestige could have come to us, at least, five or four years ago. I have no worry in respect of the drafting of the Bill. I saw the draft. So many people said, "This is not well-drafted." I would say that we are a privileged nation. So, there is an ample scope for amendments and this legislation will become a comprehensive one over a period of time. I have no disagreement on the drafting. The things can improve over a period of time. I have, however, a desire to alert the hon. Minister on two or three points. I am not repeating. Mr. Ramachandran Pillai made a very wonderful speech. In fact, I have gone through the debate on this Bill in the other House. I do not know whether I could mention that here. Mr. Shivraj Patil gets the credit of dwelling deeper into the Bill and making so many suggestions. The hon. Minister must have taken note of those suggestions. There is no point in repeating what Mr. Ramachandran Pillai, who spoke just before me, has said. I am fully in agreement with him. But, I have two or three suggestions for the consideration of the hon. Minister -- maybe, they are already in his mind.

Madam, the inclusion of bureaucrats is always welcome, but, to a limited extent. Finally, the Secretary, Ministry of Environment, agreed with me that Dr. Swaminathan is a scientist of vast knowledge and similarly Shri Paroda and others. So, therefore, at the State-level Board or at the National-level Board, bureaucrats will have to be associated. They are part of the society. They are the pillars of the Indian administrative resources. But, due representation should, firstly, be given to the scientists. So, I had a cursory look at the Bill and agree with what Mr. Ramachandran Pillai has said. What Shri Ramachandran Pillai had said was

already in my mind. The hon. Minister may have a second look at it. Passing a Bill is all right. But the hon. Minister should remain alert on this question which is important. My second point is regarding the advent of multi-nationals and their onslaught on our industrial sector. So, the Ministry has to provide a mechanism which is very strong. I had said earlier also, if I were there on that side, I would not have done better than Mr. Baalu. But, I have a fear in my mind that multi-nationals will be here to stay. They are concerned only with commerce; they are not concerned about India's future. So, the Ministry of Commerce would be well-advised to remain alert on this matter. Within a year, if they feel necessary, they can come back to Parliament; enlighten us and appreciate our perceptions. But we must build a strong defence against multi-nationals.

Then, I come to the question of heritage sites. This Bill gives certain powers to the States. I am afraid, States will have to be consulted in this matter; nothing should be done without consulting them. But, the State Governments and the people there are venerable, so, this authority must vest with the Government of India. Ours is a Federal structure, so, the States must have enough power, and the Central Government must consult them. But the situation is very delicate, and this measure is of a technical nature. The State Governments are very venerable, therefore, the Minister can consider this matter again. I think this authority must vest with the Government of India.

Then, I would like to inform the hon. Minister, through the Chair, that all the Ministries are coordinating with one another. That was there earlier also. But, now the Ministry of Environment and Forest will have a compulsion to coordinate with other Ministries. I had been very closely associated with the Ministry of Agriculture, and the Ministry of Rural Development. The key to the success of this measure, to the success of this Bill, and its proper implementation, is a mass awareness campaign. I don't know what is the equivalent word for 'bio-diversity' in the Hindi language. Many schemes are there in the districts. But, people only know their abbreviations; they don't know the basics about it. ...*(Interruptions)*...

SHRI B.P. SINGHAL: The equivalent word in Hindi language is *Jai Sampada*. ...*(Interruptions)*...

PROF. SAIF-UD-DIN SOZ : My appeal to you is, neither pressurize it nor sensitise it. Make it easily understandable for the people. Maybe, this Ministry is helping in making the Panchayats viable, and they may be

doing a credible job in promoting awareness at the ground level. Unless awareness is spread, they would not know anything about multinationals. And they would not even appreciate, in sufficient measure, as Madam Deputy Chairperson has said, the meaning of indigenous knowledge. They do have indigenous knowledge, but they don't have a proper understanding as we have, so, they must be made aware of their rights. And who will do that? It will be done by Panchayats and Nagar Palikas. There has to be a very great movement in the country. Only when we are able to make Panchayats viable, will they be able to work out wonders.

Finally, Madam, I must say that the Minister must consider -- he must be jotting down the suggestions -- that the Headquarters of the Institution must be in Delhi, not in Chennai. As somebody suggested, if this Institution had something to do with coast guards, we would have recommended that it should be in Chennai. But, I would appeal to the House, to take a unanimous decision that the Headquarters must be in Delhi and not in Chennai. Because later on the Minister might receive a complaint that he had discriminated against Delhi. Therefore, the Headquarters must be in Delhi. With these words, I commend this Bill and support it.

श्री संघ प्रिय गौतम : अच्छा होता अगर आप इन सुझावों को अपने ड्राफ्ट में, अपने मंत्रित्व काल में लिख देते।

THE DEPUTY CHAIRMAN: Actually, instead of Delhi where there are hardly any trees or plants, it should be located somewhere in the North where this wealth is available. Maybe, in the foothills of Himalayas...*(Interruptions)*...

SHRI B.P. SINGHAL: It is a question of not only vegetation, but it is concerned with sea wealth also. Chennai has got a sea coast. It has, in the hinterland, the forests of Kodai and Ooty. Extensive biodiversity is available there.

THE DEPUTY CHAIRMAN: Also, there is a person who is destroying our wealth available in that forest and killing the people. Veerapan is also there. ..*(Interruptions)*... Now, Dr. L.M. Singhvi.

श्री बालकवि बैरागी (मध्य प्रदेश) : मैडम, इसके लिए सबसे उत्तम और सर्वश्रेष्ठ स्थान यदि कोई हो सकता है तो वह उत्तर प्रदेश में गोरखपुर हो सकता है, इस पर जरूर विचार करना चाहिए ।

उपसभापति : उत्तरांचल ।

श्री बालकवि बैरागी : मैडम, गोरखपुर उत्तरांचल में नहीं है ।

उपसभापति : उत्तरांचल होना चाहिए ।

श्री बालकवि बैरागी : अच्छा ।

DR. L.M. SINGHVI (Rajasthan): Madam, may I join all the hon. Members who have welcomed the Bill, and, in particular, endorse the observations made by my hon. friend, Mr. Pillai. I wish to say, without finding fault with this or that regime, that we must note that this Bill, which seeks to provide a broad and comprehensive framework for some of our deepest concernes, has waited far too long in the wings. And, that, perhaps, is partly due to the relatively low priority which ecology has received throughout the world. I think, the time has come when India must stand in the forefront of according to ecology the highest priority, for, it seems to me that this legislation deserves our sincere and whole-hearted support, for the simple reason that it is a Charter of ecological security for our country and a model for many other countries who should be doing what we are doing today. Fault has been found with some of the provisions and with the drafting of the Bill. I feel that there is no legislation which could be a paragon of perfection. I feel that, very often, the perfect is the enemy of the good. It is a good enough legislation for us, today, to adopt and then to revisit it wherever we find that it is lacking in fulfilling the purposes that we have in mind.

Madam, I think, ecological imperatives have not yet acquired that cutting-edge priority in our nation or in the nations of the world. The promise of Rio remains largely unfulfilled. The 21-point Programme that we had evolved in Rio still remains a distant hope, particularly, because the most developed countries of the world have refused to live up to their civilisational responsibilities. Ultimately, the promise and the objective that we have here is to prevent ecocide. And, as I have often said, Madam, that the world, today, stands on the precipice of a biocide, ecocide, homicide, and, in effect, ecological suicide and genocide. These are very strong words, but, if I may say so, one has to realise the magnitude and the gravity of the problems we face and one has to welcome this piece of legislation, in the context of the magnitude of those problems...*(Interruptions)*... Mr. Minister, you don't have to regulate me. You must understand that Members have their own rights. It is very improper for you to intervene at this stage.

A point is made that we need to establish a regime to safeguard India and other developing countries from poaching, piracy and invasion. The pace at which we are dealing with this problem in the world, at large, is truly alarming and distressing. We need a World Centre in India For The Protection of Biodiversity And Traditional and Indigenous Knowledge, with India as the bulwark of that protection against new colonial and exploitative perils from the developed countries wedded to a consumerist attitude to life. We want sustainable consumption as a part of sustainable development. We want that the idea conquest of nature should be replaced by the ideal of harmony with nature, and unless that is done, it seems that the purposes of this Bill will not be achieved. I would like to say that the Authority which is proposed to be set up is likely to be so bureaucratised that it may not be able to serve the purposes. I suggest that you must have different interests represented on the Authority, particularly, those who can contribute to the protection of intellectual rights and indigenous rights, and that is very important. Thank you.

THE DEPUTY CHAIRMAN: Since we have already exhausted the time that was allocated for the discussion on this Bill, I would request everybody to be brief. As everybody is accepting it, I would request you to add only new points, if you have any.

SHRI H.K. JAVARE GODWA (Karnataka): Thank you, Madam Deputy Chairperson, for giving me an opportunity to speak on this Bill. I rise to support this Bill. The aim of the Bill is to harness the unique, rich and diverse eco-system. We account for seven-eight per cent of the world's flora and fauna. India is called a mega-biodiversity country of the world. To conserve and to promote this biodiversity, this Bill has been brought in. The Bill provides for the setting up of a National Biodiversity Authority, State Biodiversity Authorities and such other things. But the main thrust has to be given to preserve and promote the available biodiversity.

Now, Madam, I would like to draw the attention of the House to clause 42 where the local Panchayats have been given some powers to promote biodiversity. But I have a point to make here. Now-a-days, we do not have local *Vaidyas* and such other type of persons. But still, there are persons who know something about medical treatment. They treat persons with a particular plant or things like that. Here, I would like to cite the example of an illiterate man who gives treatment for *'Her-pes'*. It is a very serious disease. In allopathy, its treatment takes, at least, two months, with all the sufferings. But, here, for treating this disease, he gives a leaf which is

to be taken with black cow's milk, raw, for only four days, and the disease would be cured. But this knowledge has not been spread all over the country. In our country, there are a large number of persons who have such type of knowledge. There is no provision in this Bill to develop, preserve and promote such type of medicines. There is a lapse in this regard. The Government is talking about associations, companies, etc. We think that the local people are having no knowledge, and they are incapable of forming an association or an institution for this purpose. If we continue to think like that, then, it will be a loss to the nation, and, for that, it will continue to suffer. We have to look into that. Therefore, I would like to know from the hon. Minister as to what provision he is going to make to promote this type of knowledge, and to preserve and promote the plants. The intention of the Bill is laudable. The rich potential of knowledge available with the local people has to be disseminated throughout the nation so that the entire nation is benefited by it. I feel that this Bill is not providing for that.

Madam, though many speakers before me have spoken about the importance of this Bill and about various other things, yet, I would like to make one more point. Even though this Bill is not related to forests, still, the majority of the biodiversity of this country is in the forests. You can find that we are looting forests in one way or the other. In this Bill, there is no penal provision for stopping that. As per the Bill, the Head Office of the NBA is proposed to be established at Chennai. Madam, you have mentioned that the States of Kerala, Karnataka and Tamil Nadu are having a lot of biodiversity and a lot of forests.

One man, Veerappan, has been destroying the entire area. He has looted 10,000 metric tonnes of sandalwood. It is a very important item. But, our forces are not able to contain this looting from the forest. Therefore, I would like to say that this Bill should also contain provisions to contain such activities also. I would also urge upon the hon. Minister to see that the villagers and the persons who have knowledge about the medicinal plants are also included in the development of bio-diversity activities. To achieve this end, a comprehensive Bill should be brought before the House.

THE DEPUTY CHAIRMAN: Shri Manoj Bhattacharya. That is a good way of finishing it faster. We have to take up two or three more Bills. Kindly follow your predecessor and try to complete your speech early.

SHRI MANOJ BHATTACHARYA (West Bengal): Sorry, Madam. It is not possible.

THE DEPUTY CHAIRMAN: It is quite possible.

SHRI MANOJ BHATTACHARYA: Thank you for providing this opportunity to speak on the Bill. I must compliment the hon. Minister, Shri Baalu for bringing this Bill, which should have been brought some seven to eight years back. It has been inordinately delayed.

Madam, our country is one of those countries which have got the abundant bio-diversity. Since ancient time, such knowledge was dependent upon *shruti* and *smriti* i.e. the people used to hear and remember, as they could not write that much. Even if they wrote, they wrote on *bhoj patra* or something else, which could not be preserved the way these should have been preserved. They did not know that there will be globalisation in the later part of the 20th century and the bio-diversity will be looted from the country of ours. In fact, for 200 years, the bio-diversity of our country had been directly looted by the British imperialism. After that this has been looted in collaboration with the Indian Mir Jafars. They have collaborated with the multinational corporations or collaborated with those organisations which benefited the imperialist or advanced and developed countries. Thus they have looted many of our plants, seeds and elements of bio-diversity and patented them in advanced developed countrties. Now, we are bringing forward this Bill to protect what? Not even 10 per cent is left. Therefore, I would refer to my speech on the Protection of Plant Varieties Bill, where I had categorically stated that plants, hurbs, weeds and grass that we have, have not been properly registered. The data base is not okay. We are trying to protect those through Hurbariam, but it will not help us in consolidating our position in the international plain. If we cannot make our data base properly in tune with the international requirements or in tune with the WTO, at least we can register them in kewhests in London. We have not taken any step to register our bio-diversity in the laboratories, where the international records are being maintained.

Secondly, since the time is short, I shall come back directly to the Bill itself. Chapter 1, Clause 2, sub-section (f) says: "commercial utilization means end uses of bilogical resources for commercial utilisation such as drugs, industrial enzymes, food flavours, fragrance, cosmetics etc. and it does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee-

keeping." Therefore, the ground reality is that this slender line of demarcation between the commercial use and traditional practices are very difficult to identify.

Madam, the point is that there is a slender line of demarcation at most of the places between the commercial use and not including the convention of breeding and traditional practices. It is very difficult to identify, and mostly people will be confused, people won't be able to guard it. That is why, even on the question of wildlife protection, I said that the rights of the indigenous people must be protected; the rights of the indigenous people must be promoted. Unless it is promoted, they cannot protect this biodiversity, in the true sense of the term. Unless the people who are at the grassroot level, are taken into confidence, they cannot simply do it because the multinationals are very active, they do have their interest, and they will be working, in right earnest, for looting it further, in this era of finance capitalistic imperialism. Madam, I will not go into details, even though I should, but the time is not in my favour. Madam, my question is: When the Himalayas and the Tarai of Himalayas are very rich in bio-diversity; when the entire northern India, the north-east India, is very rich in bio-diversity, why should the Head Office be at Chennai? I would have been justified had I asked for the Head Office to be at Kolkata. Has the hon. Minister taken for granted that the Ministry of Environment and Forests will always be given to Tamil Nadu? Is it because of that, he is setting up the Head Office at Chennai, instead of Delhi? The Bill says that the Committee will comprise a Chairperson, who shall be an eminent person and there will be three ex-officio members, who will, essentially, be bureaucrats in different Central Government Ministries. So, they will have to travel all the way to Chennai and experts will have to go to Chennai only. Instead of that, I strongly suggest that the Head Office of the National Biodiversity Authority must be established at Delhi because infrastructure-wise, it is more developed and at the same time, it will also help in saving the cost of functioning of this National Biodiversity Authority, because the Department of Biotechnology, the Department of Ocean Development, the Department of Agriculture Cooperation, etc., are in Delhi. So, unnecessary expenditure would be avoided by the setting up of the Head Office at Delhi. I do not have anything against Chennai. I only say that from the point of view of convenience and cost, the National Biodiversity Authority's Head Office should be at Delhi. This is my very strong recommendation.

THE DEPUTY CHAIRMAN: Do you not believe in decentralisation?

SHRI MANOJ BHATTACHARYA: It does not mean decentralisation ... *(Interruptions)* ...

THE DEPUTY CHAIRMAN: Rest of the country should also be developed. ....*(Interruptions)* ....

SHRI MANOJ BHATTACHARYA: Even if we believe in decentralisation, it should not lead to more cost; it should be cost- effective as well. We will have difficulties after it starts functioning after some time, because of the cost, it will collapse. It won't have meetings; it won't operate. Whereas if it is at Delhi, it would be easier to operate because people are in Delhi, the hon. Minister himself is in Delhi, the Department Secretaries are also in Delhi.

THE DEPUTY CHAIRMAN: Now, please *(time-bells)* ... *(Interruptions)*

SHRI MANOJ BHATTACHARYA: I am just concluding. Another thing that the hon. Minister must note is: Who are the cultivators? The cultivators, you have mentioned, will be excluded. Now, who are the cultivators? Yesterday, Shri Arun Shourie spoke in regard to tea and coffee. He said that multinational corporations are producing tea in African countries; in Zimbabwe, Kenya, Ethiopia, etc., and they are exporting it to Russia, they are handling the cultivation as well. Similarly, in India, many multinational corporations have gone in for farming. We have the example of Pepsi. Pepsi has gone in for farming. Now the farm is owned by Pepsi. They are the cultivators. They are now a cultivator company. If they have the control over the produce or over the bio-diversity of the region, whom are we trying to save? So, we must define the term 'Cultivator' specifically. It is not enough to say People of Indian Origin because many people of Indian origin are collaborators with multinationals. They are collaborators with multinationals *(time-bells)* and they must be prevented from squandering the biodiversity of this country. ...*(Interruptions)* ....

THE DEPUTY CHAIRMAN: Please conclude ... *(Interruptions)* ..

SHRI MANOJ BHATTACHARYA: With these words, Madam, since you have rung the time-bell, I am concluding. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much for your very good contribution. Shri Shankar Roy Chowdhury.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): Madam, I would like to point out -- perhaps, others have mentioned it -- that bio-diversity, wildlife and forests are interlinked. If you protect one, you automatically protect them too. Now, the basic issue, as I have held for a long time, before any protective measure and any preservative measure is taken, is protection. A reference was made by my hon. colleague to Veerappan. Now, Veerappan, if I may say so, is a very, very small child, compared to some of the gangs we are seeing in the North-East and Jammu and Kashmir. He is a small child compared to these people, and against these people. The biggest threat to all three, to forests, to wildlife and to biodiversity, is from criminals; illegal poachers, timber smugglers, vendors, and, indiscriminate tourism as well. So, I think, if the nation is serious about protecting its natural resources, its biodiversity and its wildlife, it is high time that we seriously consider setting up a Wildlife Ecology Protection Force, and the only way-- I repeat -- the only way we can do it, is to have this force, organised, armed, trained and equipped, perhaps, through the Territorial Army. We already have ecological battalion of the Territorial Army though they are not engaged in protection, but, in some other activity. But, we have to have more of this as a departmental Territorial Army Force. Otherwise, there is no hope of saving any three of these.

Secondly, this organisation is sufficiently wide-based. There have been criticisms that it is heavily accented towards the bureaucracy. Well, if you go through the list of people, it has been mentioned therein that the Chairperson shall be an eminent person, and the ex-officio members from the Central Government who have to deal with these issues. But, I think, the appointment of the knowledgeable people has been provided for, through the five non official members, to be appointed from amongst specialists and scientists, who have special knowledge of these matters. Similarly, at the State level, it is reasonable, though I must say that the implementation of the Central laws at the State levels, is often a lacuna, which we have encountered on other issues also. Here, of course, they have said: "The Chairperson, again, at the State level, should be an eminent person, having adequate knowledge; there should not be more than five ex-officio members; and again, they have provided for inclusion of all varieties of opinion, by having not more than five members, to be appointed amongst experts in matters relating to conservation. *(time-bells)*

THE DEPUTY CHAIRMAN: Mr. Shankar Roy Chowdhury, you see, these points have already been made a number of times. We have to complete discussion on this Bill, and pass it as quickly as possible. We have got a lot of business today.

SHRI SHANKAR ROY CHOWDHURY: Right, Madam. In that case, the thing that I would like to emphasize is, firstly, the Wildlife Protection Force, secondly, the Indian Forest Service, thirdly, the Geological Survey of India and fourthly, the Botanical Survey of India, have to be trained, upgraded and oriented, because, these are the three organisations which will officially help in the protection of all three.

Lastly, I draw the attention of the hon. Minister, through you, Madam, to the last clause on the last page of this Bill, paragraph 65, Power to remove difficulties. It says: " If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of the Act, remove the difficulty." But, here, I think, there is a catch. "Provided that no such order shall be passed after an expiry of a period of two years from the commencement of this Act." I don't think this Act will settle down in the next two years. I think, this time schedule should be lifted. Thank you.

SHRI B. P. APTE (Maharashtra): I am grateful to you, Madam Deputy Chairperson, for giving me this opportunity. The Bill in support of which I rise is the result of our commitment to the United Nations Convention at Rio and the Convention came into force on 29th December, 1993. Somebody said that the late introduction of this Bill is the blunder of the NDA Government. Madam, strong words, as all of us know, don't make a strong argument; in fact, strong words reflect the fragility of the argument. When the Convention was ratified, NDA was not in power; when the process was started in 1994, NDA was not in power. In 1998, the first Bill was introduced, but the Lok Sabha did not complete its term. In 2000, the Bill was introduced at the earliest by the NDA and was referred to the Standing Committee. The so-called 1997 draft is nowhere, because the Standing Committee suggested as many as 61 amendments, which are part of this Bill. So, to that extent, the original draft has gone into .....

PROF. SAIF-UD-DIN SOZ : I will show the original Bill to you. Then you can compare.

3.00 p.m.

SHRI B. P. APTE: The Standing Committee suggested 61 amendments which were incorporated in the Bill; the Bill was passed by the Lok Sabha and is now before this august House. So, the process started way back and it is at the stage of culmination.

Madam, there are three perspectives to this Bill. The first is, naturally, basic to bio-diversity itself, which is the fundamental necessity of nature for eco-balance, reflecting the interdependence, which is called the "web of life". And everybody recognizes that India is rich; that there are 18 hot-spots of the world in so far as bio-diversity is concerned, out of which two are in this country - in the Eastern Himalayas and in the Western Ghats. We also know that there are 12 mega bio-diversity areas of the world, of which this country is one. The number of species of plants and animals, I will not mention them, are already part of the records. The second perspective is the people of this country, who have the greatest stake in the bio-diversity. The Standing Committee itself has noted that historically, our culture and civilization evolved and edified around this immense wealth. Madam, we did not, and we do not, believe in the concepts of the survival of the fittest and the exploitation of the nature. For us, there are 84 lakhs of yonis, and every creation is fit to survive. It is not only the survival of the fittest; and we also believe that this survival is not based on exploitation, but is based on mutuality. We believe in not the exploitation but the milking, gentle milking of the nature-दोहन परस्परम भावयंत; we are told, श्रेय: परभंवाप्स्यथ that is our approach, and, therefore, for us, every man is important, and every *aushadi* is important. The adage is अमंत्रम् अक्षरम् नाऽस्ति, every word can have a meaning, नास्ति: मूल अनौषधम, any biological existence is useful for that health. अयोग्य: पुरुषो नाऽस्ति, no man is incapable; what is needed is application, योजकस्चत्र दुर्लभ: And we believe that we are proper *yojaks* who will use every part of this bio-diversity for that survival of the human being. Therefore, as I said, the entire society, and particularly, those who live in the forests - the *vanavasis*, the tribals, the advisasis - have a stake in the conservation. We are told that there were 450 varieties of rice being produced in only one area, in parts of Bihar and Eastern Uttar Pradesh. Now, there are only 20. They were destroyed by the Government that was there before we became independent. Because this country has a stake in the preservation of bio-diversity, the Vedas mentioned it, and in so far as the governance is concerned, Chanakya's Arthashastra tells us that there were two important officers in the Government. One was the Director of

Forests, कुप्याध्यक्ष, who was entrusted with the duty of protecting and getting the forest produce, the द्रव्यवन. And Chanakya contemplates that the Director of Agriculture, सीताध्यक्ष, should be an expert in the knowledge of plants. वृक्षायुर्वेदज्ञ. That is how he has mentioned.

Madam, the third perspective is international. The Earth Summits, Rio and, thereafter, the Johannesburg, i.e. the Rio+10 Summit, show both the duplicity and the hypocrasy of the west, particularly of the sole superpower. Madam, I remember that they were reluctant to sign the Rio Convention; they were reluctant to contribute to the preservation of forests. They wanted the third world, they wanted us, to protect the environment for them so that they can exploit it. In such a situation, this third perspective creates certain apprehensions in my mind. The Bill does seek to meet the expectations of all these perspectives. The Bill contemplates the establishment of a National Biodiversity Authority, a State Board and Local Biodiversity Management Committees. It is, in a way, complete machinery, with a complete code, and, therefore, the Bill is welcome. However, I must mention certain apprehensions which crop up in my mind in respect of the efficacy of this Bill.

The first apprehension is that the Bill does not guarantee the protection of the community intellectual rights. It does not seem to provide a guarantee for the inalienable rights of the local communities. In fact, when the Bill was drafted, the Standing Committee had all this in its mind. It mentioned about the use of the traditional knowledge, practices and innovations. It talked about respecting and protecting the knowledge of local communities, relating to biodiversity. But this inalienable right of the local communities does not find a place in the Bill. That is not guaranteed.

The second thing that I am worried about relates to the tribal life. We have various Conservation Acts. In the name of the implementation of those Acts, and in the name of the implementation of the Orders of the highest Court, the tribals are sought to be evicted from their abodes. Those who talk about the conservation of forests do not understand the way the man and the nature live together for ages. The *vanvasis*, the tribals really represent the organic relationship of man and nature. We are seeking to evict them. This organic relationship has to be protected, and not to be destroyed. The right of the tribals, living in forests, on the forest produce should also be protected. If that is not protected, the protection of biodiversity will only be a dream.

Herbs are gaining importance at the international level. Now, the multinational companies are also constrained to produce and propagate, in the name of herbs, 'herbal toothpastes' and all that. In such circumstances, my second apprehension is that this Bill itself, unfortunately, would prove to be a highway for those who would patent our traditional uses, if we are not vigilant, and if we continue with our notorious bureaucratic manner. There is no check against any breach. Of course, there is a provision for punishment, and an exception is also there. I would refer to that. There are penalties provided in clause 54. Clause 55 deals with the offences of companies. But then, there is an innocuous proviso, which will let everybody go scot-free, because it assumes that a person who heads a company, does not know what happens in his company. The proviso says "provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention". So, I can commit an offence and get away with it, under this proviso. This is a way out for those who will flout this law.

Madam, the second pitfall provided by this Act is in the name of value-added products. Commercial use is contemplated, and then, value-added products are exempt from any control. I am referring to clauses 2(c) and 2(d). Madam, 2(c) says, it is a definition clause, biological resources -- the production of which, the exploitation of which, is sought to be controlled by this Act -- means plants, animals and micro-organisms or parts thereof, their genetic material and by-products, excluding value-added products. And, value-added products, as defined in clause 2(d), are products which may contain portions or extracts of plants and animals in unrecognisable and physically inseverable form which you always see in any product. So, in the name of value-added products, you are leaving out an area, it will not be controlled by this Act. Hence, there is an apprehension.

The last aspect of this is that, we have provided for joint forest management, and we have management committees. But we find that there are about 65,000 committees, which have already come into existence. The target is one lakh. It is the basic unit and they know what is biodiversity. But consultation with them is not mandatory. It is not a pre-condition. Clause 41 provides for consultation, but the relevant clauses which empower are clauses 19, 20 and 21. They are silent about this consultation. So, without consulting the local forest management

committee, the Authority may take decisions which are not prohibited by law. The consultation has to be mandatory, which is not there. These are my apprehensions. I hope the Minister will clarify this and will take certain necessary steps in this regard. Madam, with these words, I commend the Bill to the House. Thank you.

THE DEPUTY-CHAIRMAN: He can provide for it when he is framing the rules. At that stage, he can do it. Now, I have Mr. Fali S. Nariman. Any more legal aspects?

SHRI FALI S. NARIMAN (Nominated): Thank you, Madam. No. You are quite right in asking the Members, who wish to speak, whether they have any new idea. The idea which I propound is new only in the sense that I am afraid -- I hope the hon. Minister will kindly ensure -- this is my apprehension, that the Bill should not be a non-starter after we pass it.

My apprehension is that the Bill will be a non-starter, simply because India is a Union of States. When we legislate, we legislate at two tiers, one is at the Central level and the other is at the State level. If the States do not fall in line, we have no measure to fall back upon. You have clause 22 which says that the State Government shall constitute a State Biodiversity Board. When will it constitute a Board? When the State Legislature gives fund for it, as per clause 31. When will the State Legislature give funds for it? Never. Therefore, this is my grave apprehension. That is why I am suggesting this. We should do it in the case of this particular Bill to show the earnestness with which we want to pass it, namely, since we are a Council of States and we are representatives of the States, we should provide here or by a Resolution--the hon. Minister may kindly consider how to provide it--that there should be a monitoring body consisting of Members of the Council of States, who will try, as far as possible, to monitor the performance of the State on this Act. Otherwise, this Act will be totally unworkable. The main thing that the Board has to do, which the National Biodiversity Authority cannot do, is to grant approvals for commercial utilisation of biodiversity resources. Now, if these Boards do not start--they would not be started, if the finance is not there; and the finance would not be there, because the State Legislature would not give them the finance--what is the authority of the Parliament to do anything? At least, there will be some persuasive inducements, if individual Members representing a particular State in the Rajya Sabha are associated with the monitoring of this Act, in such a manner as the Minister chooses. Otherwise, this Biological Diversity Bill will become a dead letter.

That is why I earnestly request the hon. Minister to do something about it. Thank you.

THE DEPUTY CHAIRMAN: Shrimati Prema Cariappa. You have got five minutes.

SHRIMATI PREMA CARIAPPA (Karnataka): Madam, I support this Bill. Biodiversity is essential for maintenance of the ecological balance and for sustenance of the evolutionary process of life.

Conservation and sustainable utilisation of biodiversity, and equitable sharing of benefits arising from its uses must be paid due attention.

It is a matter of proud that India is among the very few countries in the world and the first among the 12 mega diversity nations to enact such a legislation.

The issues addressed by this legislation are very much concerned with today's humanity. Issues such as access to genetic resources and associated knowledge by foreign individuals, institutions and companies, and equitable sharing of benefits arising out of these resources and knowledge with the country and the people, are to be appreciated.

It must be ensured that necessary safeguards are provided to protect the interests of local people, growers and cultivators of biological diversity as well as Indian researches.

With a wide range of chaotic conditions, from the torrid to the arctic, India has rich and varied vegetation. India, with only 2.5 per cent of land area, accounts for 7.8 per cent of recorded species of the world.

Indiscriminate and illegal trade in wild plants and animals, combined with ecologically insensitive development projects, explosion in human population and the resultant pressure on the natural resources, are the main sources of chronic bio-diversity loss in India during the last few decades.

We have to stop the degradation. Biodiversity is India's real wealth and its resource base determines and ensures this country's survival and growth.

A basic requirement in a democratic set-up, like India, is to have important issues debated at all levels, from the Panchayats to the State

Assemblies, and this is so, especially, in the case of biodiversity, which is intimately connected with the lives of local community.

Madam, therefore, there is a need to prepare a strategy and action plan for the country to ensure proper implementation of the provisions of this Bill.

Madam, with these words, I support the Bill. Thank you very much for having given me an opportunity to speak on this important Bill.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R.BAALU): Madam Deputy Chairman, first of all, I would like to say that it is my great privilege, as a representative of the farming community, to be piloting the Bill before this august House. Madam, at the same time, I would say that this Bill has not been initiated by the NDA Government alone. It was initiated by the Congress Government. The outlines were spelt out by the Congress Government in 1994. Consultation at the national level started in 1997 by the United Front Government, in which Prof. Soz was the Minister of Environment and Forests, and I was the Minister of State in the Ministry of Petroleum and Natural Gas. The party to which he belonged then, my party, the RJD, the Samajwadi Party, the CPI and the CPI(M) were part and parcel of the United Front Government, supported by the Congress Party. At the time of circulating the draft, it was the property of the Government of BJP, supported by my friend Mr. Maitreyan's party, the AIADMK. So, I would say that this Bill belongs to everybody in this august House.

MR. N.K. PREMACHANDRAN (Kerala) : The Bill is the property of the House.

SHRI T. R. BAALU : This is a consensus Bill. Yes; now it is the property of this House. Before bringing it before this House, it was the property of everybody.

THE DEPUTY CHAIRMAN : You may say, "the baby of everybody. Many fathers".

SHRI T.R.BAALU : I will be failing in my duty if I do not thank you, Madam. You were the source of inspiration at the Johannesburg Conference of the World Summit on Sustainable Development. You have advised me, how to conduct ourselves in the international fora and multilateral discussion. Not only at that time, but, today also, you have inspired me and the entire House. So, for that, Madam, I have to thank you.

Madam, as you know, Parliament had earlier enacted the Forest Conservation Act, 1980, which takes care of the flora, the Wildlife Protection Act, 1992 which takes care of the fauna -- it was amended only the day-before-yesterday, I think -- there are also many other enactments by the Agriculture Department, Ministry of Science and Technology, Ministry of Human Resource Development, Ministry of Ocean Development and so on. What is meant by Biodiversity? It encompasses all living organisms, flora, fauna as well as human beings. But, here, we are not concerned about the human genetic resources. We are concerned about the flora and fauna only. It may be forests, it may be wild animals, it may be animals in the ocean and so on. Madam, in spite of having the Wildlife Act, 1972, the Forest Conservation Act, the EP Act, so many other enactments, rules and regulations, etc. we have come forward with the Biological Diversity Bill, 2002. It shows that we are concerned about the 48,000 varieties of plants; we are concerned about 81,000 varieties of fauna; we are concerned about biopiracy; we are concerned about biodiversity. Madam, we are equally interested in fair and equitable benefit-sharing. This Bill has been brought before this House for a specific purpose. Prof. Soz, who was Minister of Environment and Forests in 1997, charged me. Being a Member of the opposition party, he has got every right to charge me. But, at the same time, he should not forget that out of the 12-mega biodiversity countries in the world -- Prof. Soz, the entire House including the Deputy Chairman know it -- we are the first country to come forward with such a comprehensive Bill. This Bill can be amended at any point of time to suit the interests of our nation. I fully concur with his viewpoint. But, at the same time, we should not forget that out of the 12-mega biodiversity countries in the world, we are the first to come forward with such a comprehensive Bill.

Many hon. Members charged that it was delayed and that the NDA Government was sleeping. Yes, we were sleeping. But, still we have come forward with this Bill. If you cannot appreciate it, kindly do not belittle our image.

Before the introduction of this Bill, the Standing Committee took one-and-a-half years to consider it for obvious reasons. The Standing Committee sat 26 times. Thirty-five memorandums were received from various experts, industrialists, institutions, universities, organisations and so on. In 1994, the Congress Government started the preliminary work. In 1997, we organised a discussion at the national level. An Expert Committee

was constituted under the Chairmanship of Prof. M.S. Swaminathan. The Expert Committee submitted its report in 1997. In December 1997, a Cabinet note was circulated. In February 1998, a draft was sent to all the States, experts, NGOs and others. On 5th August, 1998 a discussion was initiated at the national level under the Chairmanship of the former Minister of Environment and Forests. In 1998 a draft note was circulated to the Departments. On 14th January, 1999 a Committee of Secretaries was constituted to go into it. They held four-five meetings. Madam, I am mentioning all these things because everybody was blaming me.

THE DEPUTY CHAIRMAN: Nobody is blaming you.

SHRI T.R. BAALU: In October 1999, a draft note was circulated. In February 2002, a note was sent to the Cabinet for approval. On 7th March 2002, the Cabinet approved it. On 15th March 2002, this Bill was introduced in Lok Sabha. So, from 15th May, 2000, till date, it is a part and parcel of this august House. See, once again, it went to the Standing Committee, then for the Cabinet approval. It has now come before us and it is the property of this august House. Madam, that is why, we are discussing it. Madam, a question was raised why there was a delay in bringing forward this Bill. Madam, due to some positive reasons, some valid reasons, the delay could not be avoided. It is a very important Bill, which involves consultation with many State bodies. I hope my hon. friends are satisfied with this answer. Now, I come to the queries of my hon. friends. The hon. Member and the former UPSC Chairman, Dr. Kidwai, has mentioned about the need for strong rules, better management and so on. Madam, we have already ensured that many of the suggestions that he has made, will be taken care of while framing the rules. And the committees, which we are going to have, will see that its objects are fulfilled. We will take into consideration all the suggestions made by Dr. Kidwai. Then, my friend, Gautamji, is not here.

THE DEPUTY CHAIRMAN: You need not reply to those Members who did not come to listen to the reply. Only those, who stuck to the House, should be answered.

SHRI T.R. BAALU: Madam, he was very concerned about the local people, like farmers. Clause 7, which probably he has not gone through, takes care of his concerns. And, Shri Rama Mohana Rao's query was whether this Bill is in harmony with other Bills like Intellectual Property Rights, and so on. It is very much in harmony with other Bills. We have

held many discussions with all the relevant Departments - Agriculture Department, Science and Technology Department, Commerce Department and so on. Whatever it may be, the National Biodiversity Authority, State Biodiversity Boards and Local Management Committees, would take care of the local problems. This is the answer to Shri Rama Mohana Rao. Next query was raised by Shri Ramachandran Pillai. He was worried about the bureaucrats, as if they will take away everything and nothing is left to the local community. Madam Chairperson, definitely, I swear in front of you that all these problems will be taken care of while framing the rules. Shri Ramachandran Pillai has also mentioned about bio-piracy. Madam, this Bill is intended only to check the bio-piracy. I do not know why Shri Ramachandran Pillai, a very senior Member, has raised this issue. He was worried about clause 48 of this Bill. He said that the Central Government would interfere with the functioning of the National Biodiversity Authority, State Biodiversity Boards, Local Management Committees. No, Madam, it is not like that. This is only an enabling provision. In each and every Bill, we have the such provision. Madam, one can understand that he has raised these things only for the sake of opposition. The Central Government will never interfere with the functioning of either the National Biodiversity Authority or the State Biodiversity Boards or local-self Government.

THE DEPUTY CHAIRMAN: But, Shri Nariman suggested that Members from the Council of States should be represented on the State Biodiversity Boards. I think it is a good suggestion.

SHRI T.R. BAALU: Madam, I will definitely consider the suggestion made by Mr. Fali Nariman that from the Council of States, Members should be included in the State Biodiversity Boards. Madam, when we are going to include MLAs in that Board, how can we leave Members from the Council of States. We will definitely include them.

SHRI N.K.PREMACHANDRAN: Whom are you asking?

THE DEPUTY CHAIRMAN: He is answering...*(Interruptions)*. While framing the rules.

SHRI T.R.BAALU: I want to answer Shri Premachandran also, though he has not taken part in this. Shri P.G. Narayanan was expressing his concern that while Japan and China have been taking patents for their products, our country is lagging behind. The hon. Member is not there; but

his friends are here, and I would like to answer this. He is my prominent opposition friend and I have to answer him...

THE DEPUTY CHAIRMAN: If you don't answer, then, he will blame you.

SHRI T.R. BAALU: With this law in place, the interests of the local community will be taken care of. At the same time, this is the first time we have come with such a Bill. Like, in Japan and China, once this law is enacted, there will be momentum in our country for people to go in for taking patents of more and more products.

Prof. Sankaralingam had mentioned about setting up of the Medicinal Plants Board. I would like to inform him, through you, Madam, that the Medicinal Plants Board has already been set up by the Government for promotion of medicinal plants. I had already announced that development of medicinal plants is one of the thrust areas of my Ministry. So, this point is also taken care of.

About the delay, I have already answered this.

Madam, one very interesting point has been raised here. The Members have charged me saying that it is because I have been elected from the Chennai South Constituency that I am very much interested in having the Bio-diversity Authority Headquarters at Chennai. In fact, My friend, Shri Manoj Bhattacharya, -- he is a very close friend of mine -- has been very vociferous in saying this; so also, Shri Soz -- he was a very good friend of mine, but, nowadays, he is my political opponent.

Madam, we should understand one thing. Bio-diversity deals with flora, fauna and ocean; let us register this in our minds. The flora and fauna exist around the areas of Tamil Nadu, Orissa, Karnataka, Kerala, Western Ghats, Eastern Ghats, etc. Not only this, we are also concerned with marine biology. We should not forget that. In the East of Tamil Nadu, we have the Bay of Bengal; in the West of Kerala, we have the Arabian Sea; in the South of Tamil Nadu,...*(Interruptions)*

SHRI MANOJ BHATTACHARYA: This is no justification for it.

SHRI T.R. BAALU: Madam, in fact, the Committee suggested that the National Biodiversity Authority would be comprising necessarily officers from ...*(Interruptions)*

SHRI MANOJ BHATTACHARYA: Madam,...*(Interruptions)*

SHRI T.R. BAALU: Madam, I am not yielding.

THE DEPUTY CHAIRMAN: Mr. Bhattacharya, don't interrupt....*(Interruptions)* It is okay. Please take your seat.

SHRI T.R. BAALU: Madam, I am at a loss of words to convince my friend that what he says is not at all correct. While my friends there plead for decentralisation, he is pleading for centralisation of the *Nilayam*. Now, this is a State, which is part and parcel of our rich biodiversity, and there are two bio-spheres, namely, the Western Ghats and the Eastern Ghats. Now, which other place would be better than Chennai to have the National Biodiversity Authority Headquarters? Do you want to have it in Delhi? Do you want all the farmers, forest men and tribal people to come to Delhi spending a lot of money? The Government has consciously decided not to have it in Delhi. It is highly congested and it is far away from the rural places. So, that is why...*(Interruptions)*

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): If you had gracefully recommended some other places in ... *(Interruptions)*

SHRI T.R. BAALU: At the same time, Chennai, which is the capital of Tamil Nadu, is also part and parcel of India. It is not away from the Union of India. If you want to alienate Tamil Nadu, come forward with your amendments. But if Mr. Manoj or anybody else, for that matter, wants to contest me on having it in Chennai, he should have come up with an amendment before the House. Why do they not bring an amendment before this House? Why? *(Interruptions)* It is only a friendly attack. I could understand. If he is really interested ..*(Interruptions)*

SHRI C. RAMACHANDRAIAH : If the Minister yields, I want to say one thing, because I happened to be Chairman of the Standing Committee. In no Draft Bill, the headquarters of the Committee has been proposed. But you have proposed it in the Bill now. It is objectionable.

SHRI T.R. BAALU: Yes. That is correct. I agree with you.

SHRI C. RAMACHANDRAIAH: It is highly objectionable. In no Draft Bill, the headquarters of the Committee is proposed. But, here, it has been suggested in the Bill itself.

THE DEPUTY CHAIRMAN: There is no harm in it. If both the DMK and the AIADMK, are together, are not disagreeing, then it saves my skin, at least, in this House.

SHRI T.R. BAALU: Madam, I can only say that the Standing Committee has not recommended Chennai. I agree with what Shri Ramachandraiah has said. But he had neither recommended Chennai nor Hyderabad *(time-bells) (Interruptions)*

THE DEPUTY CHAIRMAN: Order. Now, let us be serious.

SHRI T.R. BAALU: It was a conscious decision of the Cabinet to have it at Chennai. It may be a precedent that Chennai was suggested in the Bill itself. I do agree... *(Interruptions)* So, this is all that I wanted to say. With this, I commend the Bill to this House and request that it be passed.

THE DEPUTY CHAIRMAN: You have satisfied everybody except, may be West Bengal. We can have some other Bill which will bring something to West Bengal.

Now, the question is:

> "That the Bill to provide for conservation of Biological Diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: Now, we shall take up Clause-by-Clause consideration of the Bill.

Clauses 2 to 65 were added to the Bill.

Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI T.R. BAALU: Madam, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now, before I go to the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Bill, 2002, I have two small Bills, namely, the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002 and the High

Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002, on which we are not going to have any discussion. The Minister is also here. There is nothing much in the Bills. These are very small Bills. You can move them and the House can pass them, if it so agrees.

THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT BILL, 2002

AND

THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT BILL, 2002

THE MINISTER OF STATE IN THE MINISTRY OF COAL AND MINES AND THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD): Madam, I move:

> "That the Bill further to amend the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as passed by Lok Sabha, be taken into consideration."

Madam, I also move:

> "That the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954, as Passed by Lok Sabha, be taken into consideration."

Madam, through the present Bill, which has been passed by the Lok Sabha, we are seeking to amend just two clauses of the Supreme Court Judges (Salaries and Conditions of Service) Act, and the High Court Judges (Salaries and Conditions of Service) Act. The position is that the family pension of those hon. judges who had retired prior to 1.11.1986, was fixed at the rate of 30% of their salary, and the Family Pension of those who had retired thereafter, was fixed at the rate of their pension. What had happened was, a clear anomaly had been created because of the date of retirement itself. Those who had retired prior to 1.11.1986, were getting more family pension and those who had retired subsequently, were getting less family pension. It was also creating a problem in as much as, in many cases, there was a kind of dichotomy between an equivalent-rank salary being given to the Cabinet Secretary and to the judge. One of the retired judges, Justice O.P. Chinappa Reddy, had moved the High Court of Andhra Pradesh, questioning such a discrimination, and the High Court of Andhra